



Sen. Don Harmon

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09800HB2898sam001

LRB098 09052 RLC 45331 a

1 AMENDMENT TO HOUSE BILL 2898

2 AMENDMENT NO. _____. Amend House Bill 2898 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-6.4 as follows:

6 (720 ILCS 5/12-6.4)

7 Sec. 12-6.4. Criminal street gang recruitment; aggravating
8 factors ~~on school grounds or public property adjacent to school~~
9 ~~grounds and criminal street gang recruitment of a minor.~~

10 (a) A person commits criminal street gang recruitment when
11 he or she recruits, solicits, or induces another person to join
12 or remain a member of a criminal street gang. ~~on school grounds~~
13 ~~or public property adjacent to school grounds when on school~~
14 ~~grounds or public property adjacent to school grounds, he or~~
15 ~~she knowingly threatens the use of physical force to coerce,~~
16 ~~solicit, recruit, or induce another person to join or remain a~~

1 ~~member of a criminal street gang, or conspires to do so.~~

2 (a-5) (Blank). ~~A person commits the offense of criminal~~
3 ~~street gang recruitment of a minor when he or she threatens the~~
4 ~~use of physical force to coerce, solicit, recruit, or induce~~
5 ~~another person to join or remain a member of a criminal street~~
6 ~~gang, or conspires to do so, whether or not such threat is~~
7 ~~communicated in person, by means of the Internet, or by means~~
8 ~~of a telecommunications device.~~

9 (b) Sentence.

10 (1) Except as provided in paragraphs (2), (3), and (4)
11 of this subsection (b), criminal ~~Criminal~~ street gang
12 recruitment is a Class 4 felony.

13 (2) Criminal street gang recruitment is a Class 3
14 felony if the person recruited, solicited, or induced is a
15 minor.

16 (3) Criminal street gang recruitment is a Class 1
17 felony if the person is on school grounds, public property
18 adjacent to school grounds, or in a public park and he or
19 she knowingly threatens the use of physical force to
20 coerce, solicit, recruit, or induce another person to join
21 or remain a member of a criminal street gang, or conspires
22 to do so.

23 (4) Criminal street gang recruitment is a Class 1
24 felony if the person threatens the use of physical force to
25 coerce, solicit, recruit, or induce a minor to join or
26 remain a member of a criminal street gang, or conspires to

1 do so, whether or not the threat is communicated in person,
2 by means of the Internet, or by means of a
3 telecommunications device. ~~on school grounds or public~~
4 ~~property adjacent to school grounds is a Class 1 felony and~~
5 ~~criminal street gang recruitment of a minor is a Class 1~~
6 ~~felony.~~

7 (c) In this Section:

8 "Criminal street gang" has the meaning ascribed to the
9 term in Section 10 of the Illinois Streetgang Terrorism
10 Omnibus Prevention Act.

11 "Public park" includes a park, forest preserve, or
12 conservation area under the jurisdiction of the State or a
13 unit of local government.

14 "School bus" has the meaning ascribed to the term in
15 Section 1-182 of the Illinois Vehicle Code.

16 "School grounds" means the property, including
17 buildings and grounds, of a public or private elementary,
18 secondary, or post-secondary school, or a public or private
19 2-year or 4-year institution of higher education; public
20 property or property open to public use within 1,000 feet
21 of school property; a school bus; a designated school bus
22 stop; and public property or property open to public use
23 which is within 1,000 feet of the school bus stop, during
24 the time when school children are waiting to be picked up
25 and transported to or are being dropped off from school or
26 a school-sponsored activity. ~~the building or buildings or~~

1 ~~real property comprising a public or private elementary or~~
2 ~~secondary school, community college, college, or~~
3 ~~university and includes a school yard, school playing~~
4 ~~field, or school playground.~~

5 "Minor" means any person under 18 years of age.

6 "Internet" means an interactive computer service or
7 system or an information service, system, or access
8 software provider that provides or enables computer access
9 by multiple users to a computer server, and includes, but
10 is not limited to, an information service, system, or
11 access software provider that provides access to a network
12 system commonly known as the Internet, or any comparable
13 system or service and also includes, but is not limited to,
14 a World Wide Web page, newsgroup, message board, mailing
15 list, or chat area on any interactive computer service or
16 system or other online service.

17 "Telecommunications device" means a device that is
18 capable of receiving or transmitting speech, data,
19 signals, text, images, sounds, codes, or other information
20 including, but not limited to, paging devices, telephones,
21 and cellular and mobile telephones.

22 (Source: P.A. 96-199, eff. 1-1-10; 96-1551, eff. 7-1-11.)".